IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.6578 OF 2003

Vasantrao Namdeo Mane ..Petitioner

Vs.

Janata Sahakari Bank Ltd. & Ors. ..Respondents

Mr.P.D.Dalvi, for Petitioner
Mr.Ramanath Sekhar i/b. M/s.Ramanath Sekhar & Co. for Respondent no.1.
Mr. C.R. Sonawane, A.G.P. for Respondent Nos.2 to 6.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 22ND FEBRUARY, 2005.

P.C.

. It is contended on behalf of the petitioner that the matter is pending before the Apex Court and consequently this Court should not dispose off the matter. The Full Bench of this Curt took a view that for amounts over Rs.10 lacs the Authorities under MCSR Act would have no jurisdiction. That judgment is stayed by the Apex Court. In other words it is open to the Co-operative Bank to make recovery. We see no reason why the Banks who have advanced loans to the parties like Petitioner, should be prevented from making recoveries. The contentions therefore, has to be rejected.

. It is then contended that the Respondent No.1 could not have applied Section 101 as it is not a Urban Co-operative Bank. Such a plea has not been

raised in the Petition. The Respondent no.1 therefore was not called upon to answer that issue. Section 101 permits an Urban Co-operative Bank to apply for recovery, it is loan advanced by Respondent. The contentions of the Petitioner therefore have no merits.

. Petition is rejected.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)